

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF PENNSYLVANIA**

PGT TRUCKING, INC.	*	
Plaintiff	*	JUDGE: David S. Cercone
v.	*	NO: 2:24-cv-00248-DSC
USI SOUTHWEST, INC.	*	
Defendant	*	

STIPULATION FOR STAY

The parties hereby Stipulate as follows and Request that this matter be stayed for the reasons set forth below.

1. After the commencement of this action Plaintiff filed an action in the United States District Court for the Eastern District of Pennsylvania captioned as PGT Trucking, Inc v. Evanston Insurance Company, Case No. 2:24-cv-04503 on August 27, 2024. (“Declaratory Judgment Action”) (See Exhibit “A”).

2. In the Declaratory Judgment Action Plaintiff has asserted claims seeking a declaration of coverage with respect to Evanston Insurance Company’s obligation to provide Transportation Liability coverage and Plaintiff’s right to receive reimbursement of costs, fees and amounts incurred in the defense and indemnification of Plaintiff in the underlying Lawsuits.

3. The underlying lawsuits in the Declaratory Judgment Action are the same underlying lawsuits for which Plaintiff seeks the recovery of damages in this action. (See Exhibit “A”).

4. Plaintiff also seeks Bad Faith Damages in the Declaratory Judgment Action against Defendant Evanston Insurance Company for the refusal to provide coverage under the applicable policy of Insurance for claims related to the underlying actions.

5. If the Court in the Declaratory Judgment Action were to find in favor of Plaintiff and declare that coverage exists under the applicable policy of insurance such a declaration would obviate the need for Plaintiff to proceed in this action.

6. For this reason the parties request that this action be stayed pending the outcome of the Declaratory Judgment Action.

WHEREFORE, the parties respectfully request this Honorable Court grant the parties request and Stipulation for a stay of this action.

Respectfully submitted,

**WINGET, SPADAFORA &
SCHWARTZBERG LLP**

By: /s/ Denis C. Dice
Denis C. Dice
1528 Walnut Street, Suite 1502
Philadelphia, PA 19102
Phone: (215) 433-1500
Fax: (215) 433-1501
Dice.d@wssllp.com
Attorney for Defendant,
USI Southwest, Inc.

PISANO LAW FIRM

By: /s/ Matthew J. Pisano
Matthew Pisano
1628 John F. Kennedy Blvd
8 Penn Center, Suite 1002
Philadelphia, PA 19103
Phone (215) 965-8221
Mpisano@pisanolawfirm.com
Attorney for Plaintiff
PGT Trucking, Inc